IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

RSA.No. 1149 of 2006(C)

AGAINST THE JUDGMENT AND DECREE DATED 20.07.06 INAS.518/2003 of ADDL.DISTRICT COURT, THRISSUR.
OS.349/1998 of MUNSIFF COURT,CHAVAKKAD

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APPELLANTS/APPELLANTS1&3/DEFENDANTS 1 & 3

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1. KRISHNAPRASAD, AGED 32 YEARS,
   S/O. KRISHNANKUTTY, PORAYATH HOUSE,
   GURUVAYOOR DESOM, CHAVAKKAD TALUK.

2. JYOTHI, W/O. KRISHNANKUTTY,
   AGED 28 YEARS, PORAYATH HOUSE,
   GURUVAYOOR DESOM, CHAVAKKAD TALUK.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS: RESPONDENT & 2nd APPELLANT/PLAINTIFF & 2nd DEFENDANT

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1. P.T.SAROJINI, AGED 57 YEARS,
   GOVT. EMPLOYEE, D/O. PORAYATH LAKSHMI AMMA,
   GURUVAYOOR DESOM, CHAVAKKAD TALUK.

2. PRASANTH, AGED 27 YEARS,
   S/O. KRISHNANKUTTY, PORAYATH HOUSE,
   GURUVAYOOR DESOM, CHAVAKKAD TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

R.S.A.NO.1149 OF 2006

DATED THIS THE 13th DAY OF FEBRUARY, 2007

JUDGMENT

Appellants are defendants 1 and 3 in O.S.349/98 on the file of Munsiff Court, Chavakkad. First respondent is the plaintiff. Learned Munsiff granted a decree for mandatory injunction directing appellants to demolish new structure constructed by them encroaching into plaint 'A' schedule property and also to vacate the plaint 'B' schedule property within thirty days. Appellants challenged the decree and judgment before District Court, Thrissur. Learned Additional District Judge confirmed the decree and judgment and dismissed the appeal. This second appeal was filed challenging the concurrent decree and judgment.

2. When the appeal was came up on 13.12.06, it was found that there is no substantial question of law is involved. Learned Counsel appearing for appellants then prayed for time to surrender the building. On that submission notice was issued to respondents. Learned Counsel appearing for respondents opposed granting time.

3. Learned Counsel appearing for appellants and respondents were heard.

4. It was submitted by learned Counsel appearing for appellants that the children of appellants are studying in school and till the end of this academic year, appellants may be permitted to reside in the building and they may be granted time till 31.3.07. In the circumstances of the case, appellants are granted time to vacate the building till 31.3.07.

Appeal is dismissed, granting time to the appellants to surrender vacant possession of the building till 31.3.07. No costs.

M.SASIDHARAN NAMBIAR,JUDGE

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